



Entered on Docket
October 23, 2007

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP
Susan M. Freeman (AZ 4199)
pro hac vice
Rob Charles (NV 6593)
Anne M. Loraditch (NV 8164)
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Telephone (702) 385-3373
Facsimile (702) 385-9447
Email: sfreeman@lrlaw.com
rcharles@lrlaw.com
aloraditch@lrlaw.com

Attorneys for USACM Liquidating Trust

**ORRICK, HERRINGTON &
SUTCLIFFE LLP**
Marc A. Levinson (CA 57613)
pro hac vice
Jeffery D. Hermann (CA 90445)
pro hac vice
400 Capitol Mall
Sacramento, California 95814
Telephone: (916) 447-9200
Facsimile: (916) 329-4900
Email: malevinson@orrick.com
jhermann@orrick.com

Attorneys for USA Capital Diversified Trust Deed Fund, LLC

SNELL & WILMER, LLP
Robert R. Kinas (NV 06019)
Claire Dossier (NV 10030)
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rkinas@swlaw.com
cdossier@swlaw.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO WILLIAM DALEY
CLAIM FILED IN WRONG DEBTOR'S
CASE; AND SUSTAINING OBJECTION
OF DTDF TO PROPOSED ALLOWANCE
OF CLAIM**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

1 The Court having considered the “Objection of USACM Trust to William Daley
2 Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of
3 Claim” [Docket No. 4675] (the “Objection”); with appearances as set forth in the record at
4 the hearing noted above; appropriate notice of the Objection having been given; no
5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. Proof of Claim No. 10725-00448 is disallowed in its entirety as against USA
9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”);
10 and
- 11 3. William Daley’s equity interest in DTDF is allowed in the amount of
12 \$134,179.22, as reflected in DTDF’s books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ Anne M. Loraditch (008164)

16 Susan M. Freeman
17 Rob Charles
18 Anne M. Loraditch
19 530 Las Vegas Boulevard South
20 Las Vegas, Nevada 89101
21 Telephone: (702) 385-3373
22 Facsimile: (702) 385-5024

23 *Attorneys for USACM Liquidating Trust*

14 **SNELL & WILMER, LLP**

15 By /s/ Claire Dossier (010030)

16 Robert R. Kinas
17 Claire Dossier
18 3883 Howard Hughes Parkway, Suite 1100
19 Las Vegas, Nevada 89169
20 Telephone (702) 784-5200
21 Facsimile (702) 784-5252

and

22 **ORRICK, HERRINGTON &
SUTCLIFFE LLP**

23 Marc A. Levinson
24 Jeffery D. Hermann
25 400 Capitol Mall, Suite 3000
26 Sacramento, California 95814-4497

*Attorneys for USA Capital Diversified
Trust Deed Fund, LLC*

###